

Atty. Dkt. No. DYNA/0005

new 3
PATENT
E. Mangle

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John R. Krane

Serial No.: 09/990,069

Confirmation No.: 1481

Filed: November 21, 2001

For: Apparatus and Method for
Manipulating Core B
Body Temperature

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Group Art Unit: 3739

Examiner: Rosiland S. Rollins

Mail Stop Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 CFR 1.8	
I hereby certify that this correspondence is being deposited on <u>3/10</u> , 2005 with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>3/10/05</u> Date	<u><i>Kiran</i></u> Signature

Dear Sir:

**SUBMISSION OF REPLACEMENT COPY OF REVOCATION OF POWER OF
ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF ADDRESS
FORM AND STATEMENT UNDER 37 C.F.R. § 3.73(b)**

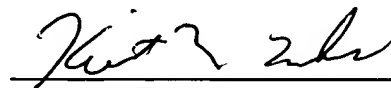
Applicants filed a Revocation of Power of Attorney with New Power of Attorney and Change of Address Form and Statement Under 37 C.F.R. § 3.73(b), on November 9, 2004, for U.S. Patent Application Serial No. 09/990,069. A copy of the documents filed on November 9, 2004, and a copy of the postcard indicating that the documents were received by the Patent Office are attached to this letter.

The Patent Office sent a Notice of Acceptance of Power of Attorney and a Notice Regarding Change of Power of Attorney to the new correspondence address listed on the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed on November 9, 2004. However, as shown on the attached copies of the Notices, the Patent Office cited the U.S. Patent Application Serial

No. as 09/990,089, while the application number listed on the Power of Attorney and Correspondence Address forms submitted to the Patent Office referred to U.S. Patent Application Serial No. 09/990,069.

Applicants respectfully request that the Patent Office enter the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed on November 9, 2004, in the file for U.S. Patent Application Serial No. 09/990,069.

Respectfully submitted,



Keith M. Tackett
Registration No. 32,008
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Agent for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

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Page 1 of 1

DYNA/0005

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/990,089	11/21/2001	Schuyler Scott Shaw	H-202745

MOSER, PATTERSON & SHERIDAN, LLP
3040 Post Oak Blvd.
Suite 1500
Houston, TX 77058

CONFIRMATION NO. 2316



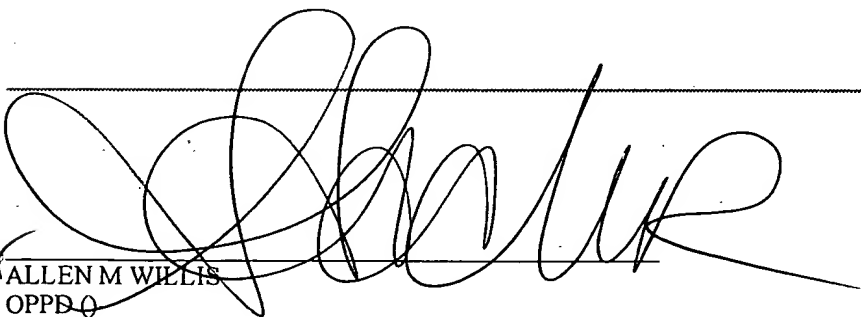
OC000000014644454

Date Mailed: 12/01/2004

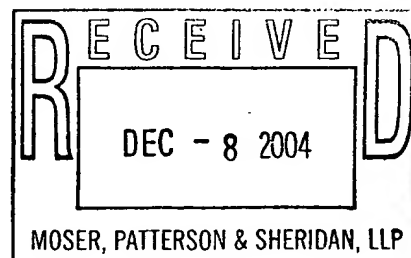
NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.


ALLEN M WILLIS
OPPD

ATTORNEY/APPLICANT COPY





MAR 14 2005

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/990,089	11/21/2001	Schuyler Scott Shaw	H-202745

DELPHI TECHNOLOGIES, INC.
 Legal Staff
 Mail Code: 480-414-420
 P.O. Box 5052
 Troy, MI 48007-5052

CONFIRMATION NO. 2316



OC000000014644425

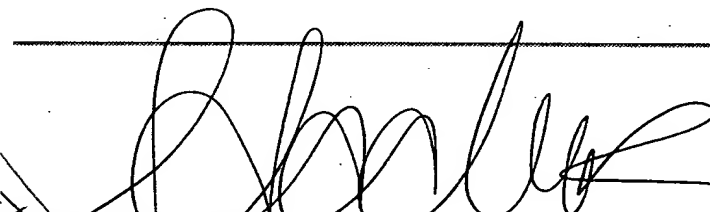
Date Mailed: 12/01/2004

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2004.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).




 ALLEN M. WILLIS
 OPPD

NEW ATTORNEY/AGENT COPY



COPY

PATENT
Atty Dkt. DYNA/0005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
John R. Kane

Serial No.: 09/990,069

Filed: November 21, 2001

For: Apparatus and Method for
Manipulating Core Body
Temperature

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Group Art Unit: 3739

Examiner: Rosiland S. Rollins

Conf. No.: 1481

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 CFR 1.8	
I hereby certify that this correspondence is being deposited on November 9, 2004 with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
November 9, 2004 Date	<i>M. C. Rollins</i> Signature

Dear Sir:

TRANSMITTAL

Please find enclosed the following documents:

1. Issue Fee Transmittal;
2. Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address;
3. Power of Attorney and Correspondence Address Indication Form; and
4. Statement Under 37 C.F.R. § 3.73(b).

Respectfully submitted,

B. Todd Patterson

B. Todd Patterson
Registration No. 37,906
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Agent for Applicant(s)

ART B - FEE(S) TRANSMITTAL

COPY

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

MAR 14 2005

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

COOLEY GODWARD, L.L.P.
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Mireille C. Perrot	(Depositor's name)
Mireille C. Perrot	(Signature)
November 9, 2004	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,069	11/21/2001	John R. Kane	31976.2000	1481

TITLE OF INVENTION: APPARATUS AND METHOD FOR MANIPULATING CORE BODY TEMPERATURE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO YES	\$1330 \$685	\$300	\$1630 \$985	11/26/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
ROLLINS, ROSILAND STACIE	3739	607-108000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Moser, Patterson & Sheridan L.L.P.

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

DYNATHERM MEDICAL, INC.

BURLINGAME, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 20-0782/DYNA/0005 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

B. Todd Patterson

Date

11/9/04

Typed or printed name

B. Todd Patterson

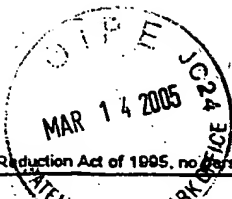
Registration No.

37,906

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PTO/SB/82 (09-03)

Approved for use through 11/30/2005, OMB 0651-0035

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	09/990,069
	Filing Date	November 21, 2001
	First Named Inventor	John R. Kane
	Art Unit	3739
	Examiner Name	Rosiland S. Rollins
	Attorney Docket Number	DYNA/0005

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☒ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners at Customer Number :

☒ Please change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	MOSER, PATTERSON & SHERIDAN, L.L.P.				
Address	3040 Post Oak Blvd.				
Address	Suite 1500				
City	Houston				
Country	US	State	TX	ZIP	77056
Telephone	713-623-4844	Fax	713-623-4846		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

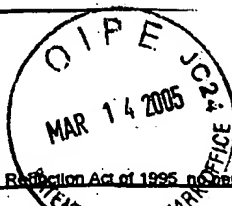
Name	Nathan Hamilton		
Signature			
Date	11/4/04	Telephone	415-987-6283

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 form is submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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PTO/SB/81 (06-04)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	09/990,069
Filing Date	November 21, 2001
First Named Inventor	John R. Kane
Title	Apparatus and Method for Manipulating Core Body Temperature
Art Unit	3739
Examiner Name	Rosiland S. Rollins
Attorney Docket Number	DYNA/0005

I hereby appoint:

☐ Practitioners associated with the Customer

Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
B. Todd Patterson	37,906
Keith M. Tackett	32,008
William B. Patterson	34,102
Mireille C. Perret	47,854

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	MOSER, PATTERSON & SHERIDAN, L.L.P.				
Address	3040 Post Oak Blvd.				
Address	Suite 1500				
City	Houston	State	TX	ZIP	77056
Country	US				
Telephone	713-623-4844	Fax	713-623-4846		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

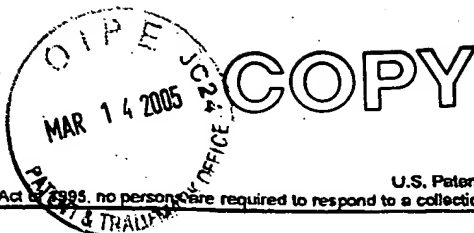
Signature		Date	11/4/04
Name	Nathan Hamilton	Telephone	415-987-6283
Title and Company	President, Dynatherm Medical, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 form is submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/6B/96 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: DYNATHERM MEDICAL, INC.Application No./Patent No.: 09/990,069 Filed/Issue Date: NOVEMBER 21, 2001Entitled: APPARATUS AND METHOD FOR MANIPULATING CORE BODY TEMPERATUREDYNATHERM MEDICAL, INC. a CORPORATION

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: JOHN KANE AND RYAN SIMS (INVENTORS) To: AQUARIUS MEDICAL CORPORATION

The document was recorded in the United States Patent and Trademark Office at
Reel 012319, Frame 0073, or for which a copy thereof is attached.

2. From: AQUARIUS MEDICAL CORPORATION To: DYNATHERM MEDICAL, INC.

The document was recorded in the United States Patent and Trademark Office at
Reel 013758, Frame 0800, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

NATHAN HAMILTON

Printed or Typed Name

PRESIDENT

Title

Date

11/5/04
415-987-6283

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9189 and select option 2.

U.S. PATENT & TRADEMARK OFFICE
MAR 14 2005

DOCKET No.: Dyna/0005

SERIAL No.: 09/990,069

FILED: November 21, 2001

APPLICANT: DYNATHEN MEDICAL, INC.

INVENTOR: John R. Kane

The Patent & Trademark Office acknowledges and has stamped hereon the date of receipt of the items checked below which were mailed November 9, 2004

☒ ~~AMENDMENT~~ STATEMENT UNDER 37 C.F.R. § 3.13(b)

☐ AMENDMENT

☐ APPLICATION PAPERS - OATH/DECLARATION

☐ TOTAL C.L.S. _____ IND. C.L.S. _____ FEE \$ _____

☐ SHEET(S) OF DRAWING(S) FORMAL/INFORMAL

☐ ASSIGNMENT-RECORDAL FEE \$ _____

☐ BRIEF

☐ APPEAL NOTICE

☒ ~~DECLARATION~~ TRANSMITTAL

☒ ISSUE FEE - BASE/BALANCE TRANSMITTAL

☐ LETTER - CHARGE DEPOSIT ACCOUNT

☒ LETTER - Transmittal

☐ TRADEMARK/SERVICE MARK APPLICATION

☐ PETITION

☐ PRELIMINARY AMENDMENT

☐ INFORMATION DISCLOSURE STATEMENT

☐ REQUEST FOR EXTENSION OF TIME

☐ RESPONSE TO _____

☐ SPECIMENS

☐ SMALL ENTITY

☐ CHECK # _____

☒ ~~RELOCATION OF~~ IN THE AMOUNT OF \$ _____ Change of

☒ ~~Indication form~~ Indication form

EXPRESS MAIL # _____ MAIL LOG # 20176

COPI

DOCKET No.: Dyna/0005

SERIAL No.: 09/990,069

FILED: November 21, 2001

APPLICANT: DYNATHEN MEDICAL, INC.

INVENTOR: John R. Kane

The Patent & Trademark Office acknowledges and has stamped hereon the date of receipt of the items checked below which were mailed November 9, 2004

☒ ~~AMENDMENT~~ STATEMENT UNDER 37 C.F.R. § 3.13(b)

☐ AMENDMENT

☐ APPLICATION PAPERS - OATH/DECLARATION

☐ TOTAL C.L.S. _____ IND. C.L.S. _____ FEE \$ _____

☐ SHEET(S) OF DRAWING(S) FORMAL/INFORMAL

☐ ASSIGNMENT-RECORDAL FEE \$ _____

☐ BRIEF

☐ APPEAL NOTICE

☒ ~~DECLARATION~~ TRANSMITTAL

☒ ISSUE FEE - BASE/BALANCE TRANSMITTAL

☐ LETTER - CHARGE DEPOSIT ACCOUNT

☒ LETTER - Transmittal

☐ TRADEMARK/SERVICE MARK APPLICATION

☐ PETITION

☐ PRELIMINARY AMENDMENT

☐ INFORMATION DISCLOSURE STATEMENT

☐ REQUEST FOR EXTENSION OF TIME

☐ RESPONSE TO _____

☐ SPECIMENS

☐ SMALL ENTITY

☐ CHECK # _____

☒ ~~RELOCATION OF~~ IN THE AMOUNT OF \$ _____ Change of

☒ ~~Indication form~~ Indication form

EXPRESS MAIL # _____ MAIL LOG # 20176

U.S. PATENT & TRADEMARK OFFICE
NOV 12 2004